

**CITY OF NEWBERG CITY COUNCIL MINUTES
AUGUST 17, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. A presentation was given by Mr. David Dahle on the video recording of Council meetings. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present: Mayor Bob Andrews Bob Larson Stephen McKinney
Bart Rierson Marc Shelton

Members

Absent: Wade Witherspoon (excused) Denise Bacon (excused)

Staff

Present: Daniel Danicic, City Manager
Barton Brierley, Planning and Building Director
Howard Hamilton, Public Works Director
Terrence Mahr, City Attorney
Les Hallman, Fire Chief
Janelle Nordyke, Finance Director
Jennifer Nelson, Recording Secretary

Others

Present: Joanne Wiitala, Betsy Fettig, and Joe Fettig

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reminded the Council that Senator George and Representative Thatcher will be holding a town hall meeting on August 26, 2009, the City/County Dinner will be held in the City of Yamhill this Thursday, August 20, 2009, and offered updates on the waste water treatment project presentations and hearings. Finally, he announced that he and the Mayor would be participating in the Chehalem Chamber of Commerce Golf Tournament this Friday, August 21, 2009.

V. PUBLIC COMMENTS

Ms. Joanne Wiitala, Newberg Animal Shelter Friends, stated the current building fund total is approximately \$448K. Upcoming fundraisers will be a car wash sponsored by the Chehalem Springs Senior Living staff and the Viva Dog Vegas event.

VI. CONSENT CALENDAR

1. Consider a motion approving a proclamation recognizing Senior Officer Delwin Linck for actions taken saving the life of another and awarding him the Life Saving Award.
2. Consider a motion approving a sound permit for Eric Cisneros for a community music event.
3. Consider a motion approving City Council Minutes for July 20, 2009.

MOTION: Larson/Shelton to approve the Consent Calendar including a proclamation recognizing Senior Officer Delwin Linck for actions taken saving the life of another and awarding him the Life Saving Award, a sound permit for Eric Cisneros for a community music event, and the City Council Minutes for July 20, 2009 as amended. (5 Yes/0 No/2 Absent [Bacon, Witherspoon]) Motion carried.

Mayor Andrews read the proclamation recognizing Senior Officer Delwin Linck and Police Chief Brian Casey presented him with the Life Saving Award.

VII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2009-2862** recommending approval of a zone change for property located at 2808 Wyooski Road.

TIME – 7:10 PM

Mr. Barton Brierley, Planning and Building Director, presented the staff report and recommendations (see official meeting packet for full report).

Councilor Bob Larson asked if there was just one property owner, if there was any reason to think the County will not approve this, and if there will be any problems with the Local Improvement District (LID). Staff replied there was only one owner for this property, he expects the County will approve it since they have not indicated any concerns, and a preliminary study for the LID has been conducted and it will take coordination of several property owners.

Councilor Bart Rierson suggested a language change at the top of page 19 in cap A to eliminate redundancy.

Mayor Andrews clarified with staff that sewer lines are not present on the property; only feasibility studies were conducted, water and sewer would wait until annexation. He asked if there were any reuse water lines in the area. Staff replied there was only to the north of the property on the land recently acquired by the City where Sandoz Road used to connect to Hwy 219.

Mr. Terrence Mahr, City Attorney, questioned the condition within the resolution concerning the need to consent to annexation in six months since this requirement was not previously met. He asked if the consent to annex was not met, who would initiate nullifying the zone change, the County or the City, and why six months was needed to sign a piece of paper. Staff replied it would automatically happen if the condition was not met and the six months was to allow for time to process paperwork.

Ms. Betsy Fettig stated she and her husband, Joe, have only owned the property since August 2008 and the previous condition to consent to annex was not met by a previous owner and she does not know the reason for that. The only reason there was an extension to six months is they were concerned there was

a cost to this condition; they were not aware it was just simply signing a paper. She stated their intent was to utilize the property for another source of income through while they are waiting for the economy to pick up; then they plan to use it to build a shop for their decorative concrete company. There were more possible uses under the light industrial zoning designation than under heavy industrial and the property only has less than five acres of usable land for building.

Councilor Larson mentioned another company who may be in need of renting space for equipment storage as a result of another recent zone change as a possible source of income. Ms. Fettig said he could send them their way.

Mayor Andrews asked if it would be acceptable to the applicants to drop the six month change for initiating the consent to annex back to the original 90 days. They replied this would be acceptable.

Councilor Stephen McKinney asked if they would be seeking another zone change back to heavy industrial in the future.

Ms. Fettig stated the City's M2 and the County's light industrial both cover the needs they will have.

Mr. Brierley recommended adopting the resolution with changes to the top of page 19 as follows: "The Limited Use Overlay shall only allow those permitted conditional uses or similar uses in the Yamhill County Light/General Industrial District (LI)." The second sentence would be removed. Also, the time period for initiating the consent to annex will return to the original 90 days.

MOTION: Rierson/McKinney to approve **Resolution No. 2009-2862** recommending approval of a zone change for property located at 2808 Wynooski Road, read by title only with noted amendments. (5 Yes/0 No/2 Absent [Bacon, Witherspoon]) Motion carried.

2. Consider a motion approving **Resolution No. 2009-2863** amending the City Personnel Rules and Regulations.

TIME – 7:43 PM

Mr. Mahr presented the staff report (see official meeting packet for full report).

Mayor Andrews asked about employees going from full-time to part-time still being covered by the City Public Employee Retirement System (PERS). Discussion followed with staff about an employee once covered by PERS when they were full-time and will come back in a part-time position still covered by PERS since she will still be doing the same job as before at a decreased number of hours.

Mayor Andrews asked what the \$37K in savings does for the City. Mr. Les Hallman, Fire Chief, replied it was to help stay within their limited overtime budget and maintain overtime costs caused by having part-time employees fill-back positions left vacant by absences.

MOTION: Larson/Shelton to approve **Resolution No. 2009-2863** amending the City Personnel Rules and Regulations, read by title only. (5 Yes/0 No/2 Absent [Bacon, Witherspoon]) Motion carried.

3. Presentation on Large Scale Retail Wage Studies.

TIME – 7:56 PM

Mr. Brierley presented the staff report (see official meeting packet for full report).

Councilor Larson wondered what other communities around Newberg have in place for dealing with large-scale development; he was fearful of keeping big box stores from coming to Newberg. Staff stated other cities the size of Newberg are not doing a lot, but the larger cities get payroll taxes to fund transit services or establish some kind of impact fee; he did not know of any jurisdictions dealing with the wage issue.

Councilor Rierson stated the current rules in place for big box development require an economic impact study be completed, but no action is to be taken as result of the study; he suggested a vehicle for mitigating the costs to the community should be developed as a way to encourage responsible development.

Mayor Andrews asked about other cities' experiences who have allowed large-scale developments such as Wal-Mart and how they have handled issues of economic impact. He was concerned the research material was outdated. Staff spoke with Ashland, Medford, and McMinnville one possibility is the creation of an impact fee for maintenance on existing streets or transportation systems; he agreed the research was limited and dated. Mayor Andrews wished to create an environment that was not anti-big box, but pro-community.

Councilor Shelton spoke of other factors affected by large scale development such as public safety and the environment. He spoke of how the economy has changed since the studies were conducted and he does not wish to dissuade businesses from coming in when unemployment is so high; however, a way to mitigate all impacts is needed.

Councilor McKinney said he was not interested in any ordinance being developed because there were too many unanswered questions and circumstances. He was also reluctant to support any ordinance that may be asking one businessman to do something that others are not; it would be an uneven approach.

Councilor Shelton suggested looking at all development more broadly, like how does this impact the SE industrial and transportation plans without targeting big box stores specifically.

Mayor Andrews did not want to target one group over another either, but he was concerned for the impact to city services and felt it was their obligation to look into an impact fee to offset the costs, providing a safe environment as well as prosperity for the citizens.

Staff understood it was the Council's desire that efforts should be directed towards proposing new mechanisms to address impact issues that are greater than just large-scale retail and building up support and education of citizens for the need something like an impact fee.

VIII. COUNCIL BUSINESS

TIME – 8:36 PM

Councilor McKinney brought up his concerns for Senator Larry George's initiatives and the gas tax for discussion.

Councilor Shelton asked about the upcoming fundraiser dinner at The Allison on August 28th and if they were all planning to attend as a Council or as individuals. Discussions followed about arranging a Council tour.

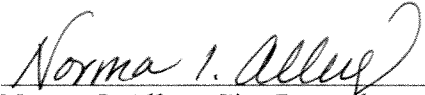
Mr. Mahr offered updates on the McClure annexation and meeting arrangements they are attempting to make with The Friends of Yamhill County and IK Friends, putting the Land Use Board of Appeals

(LUBA) appeal on hold. The first election for possible consideration to place the annexation on the ballot will be May 2010; the Council would have to take action in February for that to happen.

IX. ADJOURNMENT

The meeting adjourned at 8:59 PM.

ADOPTED by the Newberg City Council this 8th day of September, 2009.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of September, 2009.


Bob Larson, Council President